

**REMARKS**

Claims 1-20, 31-41, 43(in part), 44-46 and 48-52 are presently pending.

Favorable reconsideration and allowance of this application, as amended and responded to herein, is respectfully requested.

**The 35 U.S.C. § 112 Rejection**

Claims 1-20, 31-41, 43-46 and 48-52 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner states that the recitation in Claim 1 of “X taken together with an adjacent bond is =O” is ‘confusing.’ The Examiner further states that “[i]t is not understood which ‘adjacent bond’ is referred to in the instant recitation.” Applicants respectfully submit that the ordinary skilled artisan would understand that the ‘adjacent bond’ in this recitation refers to any bond between a carbon atom and a hydrogen atom in the ‘NonAr’ ring. Since the X substituent can be attached to a carbon atom in the ‘NonAr’ ring, an adjacent bond would be the bond between the carbon to which the X is attached and a hydrogen. One of ordinary skill in the art would thus appreciate that it is this adjacent carbon-hydrogen bond, together with the bond between a carbon and the X substituent that can together form a =O. Applicants deem the instant rejection regarding the X substituent obviated and respectfully request withdrawal thereof.

Claims 2, 15, 31, 32, 33, 38 and 39 have been rejected as containing ‘redundant’ language. As suggested by the Examiner, this language, namely, the recitation of ‘NonAr is a

nonaromatic 6 membered ring containing 1 ring nitrogen atom', has been deleted. Such amendment was based on the text throughout the application, including the Examples and the original claims. No new matter is added. Applicants thus deem this rejection obviated and respectfully request withdrawal thereof.

**The Nonstatutory Double Patenting Rejection**

Claims 1-20, 31-41, 43-46 and 48-52 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-52 of copending Application No. 10/470,561. Applicants intend to preliminarily amend this copending application to cover subject matter not elected in the instant application. Applicants respectfully submit that such an amendment obviates the double patenting rejection. Applicants will readily submit proof of filing of such preliminary amendment upon Examiner's notification of allowance or other such intent to grant the instant application.

In view of the foregoing amendments and remarks it is firmly believed that the subject invention is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

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